

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Attorney Docket No.: 3081.143WOUS

Dirk Muehlhoff et al. Confirmation No.: 6153

Application No.: 10/565,018 Examiner: Ahmed M Farah

Filed: January 18, 2006 Group Art Unit:

For: METHOD AND DEVICE FOR PRODUCING CURVED CUTS IN A TRANSPARENT MATERIAL

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TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENT REJECTION OVER A PENDING SECOND APPLICATION

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Carl Zeiss Meditec AG, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 10/566,009. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The above disclaimer is not intended, and shall not be construed under any circumstances, as an admission that any invention claimed in a patent granted on the instant application is obvious in view of the second application or that the second application constitutes prior art to the instant application. See Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d. 870, 874 (Fed. Cir. 1991).

Electronic payment is submitted by credit card in payment of the fee required under 37 CFR § 1.321(b) and § 1.20(d). The Commissioner is hereby authorized to grant any extension of time necessary for consideration of this paper, and/or to charge any fee or credit any overpayment to Deposit Account No. 16-0631.

The undersigned is an attorney or agent of record.

Respectfully submitted,

  
Douglas J. Christensen  
Registration No. 35480

Customer No. 24113  
Patterson Thuente Christensen Pedersen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: 612.349.3001

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